

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

10 MERRY WEST,)
11 Petitioner,) 2:10-CV-02086-JCM-RJJ
12 vs.)
13 SHERYL FOSTER,) ORDER
14 Respondent.)

15 This is an action on a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254
16 brought by petitioner Merry West, appearing in pro se. Before the court is petitioner's motions for stay
17 (ECF No. 24 and 26) and respondents' notice of non-opposition (ECF No. 25), and petitioner's renewed
18 motion for appointment of counsel (ECF No. 27).

19 The court finds petitioner has shown good cause for her failure to exhaust ground 5(c)
20 of the petition.

21 Further, the court finds that the claim raised is not clearly meritless and that petitioner
22 has not been intentionally dilatory in pursuit of her claims. Petitioner shall be granted leave to return
23 to state court while having this action closed administratively, without judgment being entered.

24 **IT IS THEREFORE ORDERED** that motions to stay (ECF No. 24 and 26) are
25 **GRANTED**. The clerk shall **CLOSE THIS CASE ADMINISTRATIVELY, BUT SHALL NOT**
26 **ENTER JUDGMENT**.

1 **IT IS FURTHER ORDERED** that petitioner must return to state court within forty-five
2 (45) days from entry of this order.

3 **IT IS FURTHER ORDERED** that after she exhausts her state court remedies with
4 respect to her unexhausted claim, petitioner may, within thirty (30) days of completion of her state action
5 for collateral review, make a motion to reopen this action, under the same case number, and before the
6 same undersigned judge. Should petitioner miss the deadlines imposed by this order, the motion to
7 reopen may be denied.

8 **IT IS FURTHER ORDERED** that all other pending motions are **DENIED** as moot.

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10 Dated this 29th day of July, 2011.

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13 UNITED STATES DISTRICT JUDGE

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